

REMARKS

Applicants' representatives thank the Examiner for the very helpful interviews: a personal interview on January 3, 2002 and a telephonic interview on January 18, 2001. In accordance with the suggestions of the Examiner in those interviews, the claims have been amended as indicated. The term "a carcinoma" is supported in the specification, *e.g.*, the disclosure at page 7, lines 22-24, that tumors arising from Yoshida AH 130 cells (a carcinoma cell line) can be treated by the methods of the invention. Applicants maintain that the kits and methods of the present invention are applicable to treating the full scope of diseases encompassed by the term "cancer." Nevertheless, in an effort to expedite prosecution, the claim has been amended as indicated. Support for "allogeneic or xenogeneic." is found in the specification, *e.g.*, in the first sentence.

The Examiner indicated in the interviews with applicants' representative that the issues raised in the Office Action of August 28, 2001 had, in fact, been addressed adequately previously during prosecution, *e.g.*, in the Reply dated December 5, 2000, and/or are ameliorated by the amendments made herein.

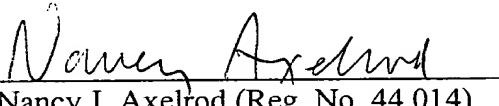
Some of the enablement rejections in the Office Action appear to be based on the misconception that the claims recite that MHC molecules in the extracts are responsible for reducing the number of tumor cells in a patient. Applicants respectfully point out that the claims are silent as to what components of the extracts are responsible for their effects.

The rejection raised in the Office Action of August 28, 2001 that the recitation in claim 37 of "administered sequentially or alternately" is allegedly indefinite, is unwarranted. It is noted that claim 34 has been amended herein to clarify that the term "an" refers to "at least one"; and claim 36 has been amended herein to be consistent with claim 35, on which it

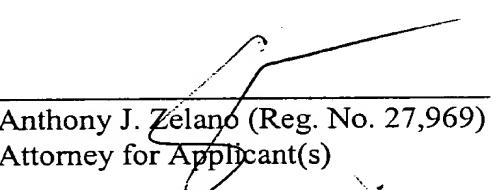
depends, and to clarify that one or more doses of extracts can be administered to a patient. One of ordinary skill in the art would know from reading claim 37 that when two doses of extracts are administered, they are administered alternately, and when more than two doses of extracts are administered, they are administered sequentially. The claim is clear as written, and has thus not been amended.

In view of the preceding amendments and remarks, the application is believed to be in condition for allowance, which action is respectfully requested. However, if the Examiner has questions or would like to discuss any of the issues further, she is cordially invited to telephone the undersigned.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

25. (Amended) A kit useful for the treatment of ~~cancer a carcinoma~~ in a patient, comprising at least two containers, each comprising an extract from an animal tissue, serum or cell source different from that of the other container, wherein said extracts

- a) comprise allogeneic or xenogeneic MHC molecules and associated molecules;
- b) are ~~preparable~~ prepared by a) homogenizing the tissue, serum or cell source in the presence of NP40, or b) treating said source with an acid, or c) treating said source with a proteolytic enzyme; and
- c) are each effective to reduce the number of tumor cells in the patient compared to the number of tumor cells if the patient is not so treated.

34. (Amended) A method for the treatment of ~~cancer a carcinoma~~ comprising administering to a patient ~~an~~ at least one extract from an animal tissue, serum or cell source, wherein said extract

- a) comprises allogeneic or xenogeneic MHC molecules and associated molecules;
- b) is ~~preparable~~ prepared by a) homogenizing the tissue, serum or cell source in the presence of NP40, or b) treating it with an acid, or c) treating it with a proteolytic enzyme; and
- c) is effective to reduce the number of tumor cells in the patient compared to the number of tumor cells if the patient is not so treated.

36. (Amended) The method of claim 35, wherein the at least two extracts originate from different species.

39. (Amended) A kit useful for the treatment of ~~cancer a carcinoma~~ in a patient, comprising at least two containers, each comprising an amount of MHC molecules which may

be found in an animal tissue, serum or cell source different from that of the other container, wherein said extracts

- a) comprise allogeneic or xenogeneic MHC molecules and associated molecules;
- b) are preparable prepared by a) homogenizing the tissue, serum or cell source in the presence of NP40, or b) treating said source with an acid, or c) treating said source with a proteolytic enzyme; and
- c) are each effective to reduce the number of tumor cells in the patient compared to the number of tumor cells if the patient is not so treated.